

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL MARCEL CARTER, #410324,

Plaintiff,

v.

Case No. 07-13311
Hon. Anna Diggs Taylor
Magistrate Judge Steven D. Pepe

RICUMSTRICT, et. al.,

Defendant(s).

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is before the court on Magistrate Judge Steven D. Pepe's Report and Recommendation of July 31, 2008, Denying Plaintiff's Motion for Partial Summary Judgment [D/E 33] and granting Defendants' Motion for Summary Judgment [D/E 24].

The court has reviewed the file, the Magistrate Judge's Report and Recommendation, and Plaintiff's objection filed thereto. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

THEREFORE, the court will accept the Magistrate's Report and Recommendation of July 31, 2008, as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Pepe's Report and Recommendation of July 31, 2008 is ACCEPTED and ADOPTED.

IT IS SO ORDERED.

DATED: September 10, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order and Judgment were served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on September 10, 2008.

Joel Carter, #410324
Standish Maximum Correctional Facility
4713 West M-61
Standish, MI 48658

s/Johnetta M. Curry-Williams
Case Manager